

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, ATTORNEY
GENERAL DANA NESSEL ON BEHALF
OF THE PEOPLE OF THE STATE OF
MICHIGAN, STATE OF ILLINOIS,
STATE OF ARIZONA, STATE OF
CALIFORNIA, STATE OF
CONNECTICUT, STATE OF COLORADO,
STATE OF DELAWARE, STATE OF
HAWAII, STATE OF MAINE, STATE OF
MARYLAND, STATE OF MINNESOTA,
STATE OF NEW JERSEY, STATE OF
NEW YORK, STATE OF NEVADA,
STATE OF NEW MEXICO, STATE OF
NORTH CAROLINA, STATE OF
OREGON, STATE OF RHODE ISLAND,
STATE OF VERMONT, STATE OF
WASHINGTON, and STATE OF
WISCONSIN,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH;
MATTHEW MEMOLI, M.D., M.S., in his
official capacity as Acting Director of the
National Institutes of Health; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; and DOROTHY
FINK, in her official capacity as Acting
Secretary of the U.S. Department of Health
and Human Services,

Defendants.

Case No. 1:25-cv-10338

SUPPLEMENTAL DECLARATION OF KATHERINE DIRKS

I, Katherine Dirks, an attorney admitted to practice before this Court, do hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am Deputy Chief of the Government Bureau in the Office of the Attorney General for the Commonwealth of Massachusetts, and I appear on behalf of the Commonwealth of Massachusetts in this action.

2. I submit this declaration in further support of Plaintiff States' Motion for a Temporary Restraining Order, pursuant to Federal Rule of Civil Procedure 65.

3. The facts set forth herein are based upon my personal knowledge or a review of the files in my possession.

4. I have attached to this declaration true and correct copies of the following documents and factual declarations (continuing the sequence of exhibits filed with the first Dirks Declaration (Doc No. 6)), as follows:

5. Attached hereto as Exhibit 44 is the April 2024 NIH Grants Policy Statement, available at <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

6. Attached hereto as Exhibit 45 is the Indirect Cost Policy of the Bill & Melinda Gates Foundation, available at https://docs.gatesfoundation.org/documents/indirect_cost_policy.pdf.

7. Attached hereto as Exhibit 46 is the Indirect Cost Rate Policy of the Robert Wood Johnson Foundation, available at https://www.rwjf.org/content/granteeresources/legal-and-policy/Indirect_Cost_Rate.html.

8. Attached hereto as Exhibit 47 is the Mission and History of the Smith Richardson Foundation, available at <https://www.srf.org/our-mission-history/>.

9. Attached hereto as Exhibit 48 is the Carnegie Corporation of New York's Approach to grantmaking, available at <https://www.carnegie.org/programs/>.

10. Attached hereto as Exhibit 49 is a Notice titled “Fostering Equitable Grantmaking through Indirect Cost Coverage” of the David and Lucile Packard Foundation, available at <https://www.packard.org/insights/perspective/fostering-equitable-grantmaking-through-indirect-cost-coverage/>.

11. Attached hereto as Exhibit 50 is the declaration of Vassilis L. Syrmos, Vice President for Research and Innovation at the University of Hawai’i.

12. Attached hereto as Exhibit 51 is the declaration of Dr. Penny Gordon-Larsen, Vice Chancellor for Research at the University of North Carolina at Chapel Hill.

13. Attached hereto as Exhibit 52 is the declaration of Sally Morton, Executive Vice President of the Arizona State University Knowledge Enterprise.

14. Attached hereto as Exhibit 53 is the declaration of Jason Wilder, Vice President for Research at Northern Arizona University.

15. Attached hereto as Exhibit 54 is the declaration of Tomas Diaz de la Rubia, Senior Vice President for Research and Innovation at the University of Arizona.

Dated: February 18, 2025
Boston, MA

/s/ Katherine Dirks
Katherine Dirks
Deputy Chief, Government Bureau
Office of the Attorney General, Massachusetts

CERTIFICATE OF SERVICE

Counsel for Plaintiffs in the above captioned case certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiffs hereby certify that they have certified all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Katherine B. Dirks
Katherine B. Dirks, BBO# 673674

Dated: February 18, 2025